

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	Case No. 1:09CR189
	)	
Plaintiff(s),	)	JUDGE ANN ALDRICH
	)	
v.	)	
	)	
CLARENCE DOWLEN, et al.	)	
	)	
Defendant(s)	)	<b><u>CRIMINAL PRETRIAL ORDER</u></b>

This case was filed on April 21, 2009 and involves 15 defendants. Therefore, this case is considered complex. The court held a status conference on May 14, 2009. Due to the complexity and number of defendants, the court will set a pretrial trial hearing for **June 18, 2009 at 2:00 p.m.** All defendants' with counsel are to be present.

All pleadings shall include case number and defendant number.

The trial in this matter will be set at the June 18<sup>th</sup> pretrial. If the defendant wishes to institute a pre-plea presentence investigation, counsel shall file a motion to institute an investigation.

The attention of counsel for all parties is specifically directed to General Order No 119 of the United States District Court for the Northern District of Ohio, adopted September 11, 1990 (Jury Utilization Management Plan), which provides that "plea negotiations must be completed by a date certain in advance of the scheduled trial." Accordingly, the Court will not accept a plea agreement which is submitted later than one day prior to the trial.

Discovery shall be completed on or before June 15, 2009.

It is the responsibility of counsel to notify the Court in writing immediately of any failure to provide discovery material. The Court will not continue a scheduled trial because of a failure to provide discovery, if this requirement has not been met.

**Motions:**

Pretrial motions, including motions to suppress, shall be filed on or before July 14, 2009. Briefs in opposition shall be filed on or before July 28, 2009. Any hearing on motions to suppress will be held on (to be set at a later date). It is expected that every motion filed will be supported by a substantial foundation and that such foundation will be explicitly stated in the motion pursuant to Local Rule 12.1.

**Trial Documents:**

The following trial documents are to be submitted to the Court not later than **4:00 p.m.**, one week prior to the trial.

1. Counsel for the parties are directed to confer in person, agree upon stipulations, and reduce them to writing. Stipulations are to be signed by all counsel and submitted to the Court.
2. Counsel for the parties are directed to confer in person and, to the extent possible, agree upon and submit to the court a complete set of jury instructions. Additional proposed jury instructions, which are disputed by the parties, must be submitted to the Court and to opposing counsel. Such proposed jury instructions shall be supported by legal authority. **THE COURT INTENDS TO ADHERE AS CLOSELY AS POSSIBLE TO PATTERN CRIMINAL JURY INSTRUCTIONS ISSUED BY THE SIXTH CIRCUIT AND THE FEDERAL JUDICIAL CENTER.**
3. Counsel for the parties are directed to submit to the Court, in writing,

a list of voir dire questions, due one week before trial.

4. Counsel for the parties are directed to submit to the Court an estimate of the length of trial.

**Exhibits:**

Prior to trial, counsel for the parties are also directed to complete the following:

1. In the event that demonstrative evidence, such as models or sketches, are intended to be used at trial, counsel are ordered to exchange this evidence no later than two (2) days prior to the date of trial.
2. All exhibits must be marked before trial in accordance with Local Rule 23.2. The plaintiff shall mark exhibits with numbers and the defendant shall mark exhibits with letters. Joint exhibits shall be marked with numbers. If there are multiple defendants, letters shall be followed by the party's last name. If the defendant has more than 26 exhibits, double letters shall be used
3. One (1) copy of all exhibits to be used at trial shall be submitted to the Court in a binder, along with an index of the exhibits, not later than the morning of the trial.

The Court will not allow exhibits to be given to the jury during trial without prior approval of the Court. If the Court approves such a request, sufficient copies for each juror must be provided in order that all jurors may view the exhibit simultaneously.

**Continuances:**

The Court will not grant a continuance of a trial or hearing without a written motion stating the reason for the continuance. The motion shall include the ends of justice language as stated in the Federal Criminal Code and Rules.

**Scheduling change of plea:**

Parties are to contact the court in advance to schedule a change of plea hearing. A copy of the plea agreement shall be brought to chambers at least two days prior to hearing date, or a copy may be faxed to chambers (216-357-7205). For all further information and scheduling please contact the Victoria Kirkpatrick, Courtroom Deputy Clerk at 216-357-7202.

IT IS SO ORDERED.

DATED: **May 18, 2009**

s/Ann Aldrich  
ANN ALDRICH  
UNITED STATES DISTRICT JUDGE